

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GS CALTEX CORPORATION,
HANJIN TRANSPORTATION CO., LTD.,
and SK ENERGY CO., LTD.

Defendants.

CASE NO. 2:18-cv-1456

UNITED STATES' EXPLANATION OF CONSENT DECREE PROCEDURES

The United States submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgments. These Final Judgments would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the "APPA"), which applies to civil antitrust cases brought and settled by the United States.

1. Today, the United States has filed a Complaint and, attached to this Explanation of Consent Decree Procedures, proposed Final Judgments and Stipulations between the United States and each defendant by which they have agreed that the Court may enter the proposed Final Judgments after the United States has complied with the APPA. The United States has also filed a Competitive Impact Statement relating to the proposed Final Judgments.

2. The APPA requires that the United States publish the proposed Final Judgments and the Competitive Impact Statement in the *Federal Register* and cause to be published a summary of the terms of the proposed Final Judgments and the Competitive Impact Statement in certain newspapers at least sixty (60) days prior to entry of the proposed Final Judgments.

Defendants in this matter have agreed to arrange and bear the costs for the newspaper notices. The notice will inform members of the public that they may submit comments about the proposed Final Judgments to the United States Department of Justice, Antitrust Division, 15 U.S.C. § 16(b)-(c).

3. During the sixty-day period, the United States will consider, and at the close of that period respond to, any comments that it has received, and it will publish the comments and the United States' responses in the Federal Register.

4. After the expiration of the sixty-day period, the United States will file with the Court the comments and the United States' responses, and it may ask the Court to enter the proposed Final Judgments (unless the United States has decided to withdraw its consent to entry of any Final Judgment, as permitted by Paragraph 2 of the Stipulations, *see* 15 U.S.C. § 16(d)).

5. If the United States requests that the Court enter the proposed Final Judgments after compliance with the APPA, 15 U.S.C. § 16(e)-(f), then the Court may enter the Final Judgments without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Dated: November 14, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Andrew Malek, hereby certify that on November 14, 2018, I caused a copy of the foregoing Explanation of Consent Decree Procedures to be served on GS Caltex Corporation, Hanjin Transporatation Co., Ltd., and SK Energy Co., Ltd. by mailing the document first-class, postage prepaid, to the duly authorized legal representatives of the defendants, as follows:

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